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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,984	12/22/2003	Raymond Aguero	ITDE-PNV-111US	9058
23122	7590	07/14/2004	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Applicati n N .

10/743,984

Applicant(s)

AGUERO ET AL.

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 15 is/are rejected.
- 7) ☒ Claim(s) 2 - 14, 16 - 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/22/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. Oath and declaration filed on 12/22/2003 is accepted.

### ***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 12/22/2003 have all been considered and made of record (note the attached copy of form PTO – 1449).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Tanioka (US 2001/0033431 A1).

Regarding claim 1, Admitted Prior Art discloses (refer to figure 1) a device (10) for adjusting the position of a lens (15) along an optical axis of the lens the device

comprising: a lens housing (14) for carrying the lens, a first knob (28) positioned to rotate about the lens housing, a second knob (36) cooperatively threaded to the first knob such the rotation of the first knob relative to the second knob causes axial movement of the lens housing along the optical axis (pages 1 and 2). Admitted Prior Art discloses all of the claimed limitations except a coupler for coupling lens housing to the second knob to prevent the lens housing from rotating relative to the second knob. However, Tanioka discloses (refer to figure 1) a barrel-side coupler 23 (paragraph 0023).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a barrel-side coupler in to the Admitted Prior Art a night vision system for the purpose of a lens barrel capable of preventing a deformation of an operating ring when restricting its rotation by taking a comparatively simple structure as taught by Tanioka (paragraph 0011).

4. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in view of Burnett (5,940,228).

Regarding claim 15, Admitted Prior Art discloses (refer to figure 1) a device (10) for adjusting an objective lens (15) relative to an optical system, the device comprising: an objective cell (14) for holding the objective lens, a knob (28) coupled to the objective cell and the knob being adapted to move the objective cell in a translation direction when the knob rotates about the objective cell (pages 1 and 2, lines 7 – 15, lines 1 – 11). However, Burnett discloses (refer to figure 1) lock ring 11 for the objective lens system (column 2, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lock ring 11 in to the Admitted Prior Art night vision device for the purpose of eliminates erratic and binding movement of the objective cell within the monocular housing as taught by Burnett column 1, lines 34 – 38).

***Allowable Subject Matter***

5. Claims 2 – 14, and 16 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show the lens housing defines a channel adapted to receive the coupler, the second knob defines a channel adapted to receive the coupler, the coupler extends between the first and second channels, and the coupler couples the first channel to the second channel, a compression device disposed between the lens housing and the second knob adapted to provide an axial force against the lens housing and the second knob, compression device is an elastic body, and the compression device is a spring.

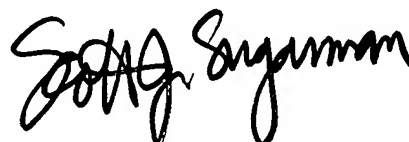
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
July 12, 2004

  
**Scott J. Sugarman**  
**Primary Examiner**